

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1, 2, 4, 5, 7, 8, 10-21, and 23-25 are pending in this application. Claims 1-5 were rejected under 35 U.S.C. § 103(a) as unpatentable over RFC 1738 "Uniform Resource Locators (URL)", 1994 (herein "RFC 1738") and further in view of U.S. patent 6,275,490 to Mattaway et al. (herein "Mattaway"). Claims 7, 8, 12, 17-19, and 23-25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mattaway and further in view of RFC 1738. Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over Mattaway. Claim 11 was rejected under 35 U.S.C. § 103(a) as unpatentable over Mattaway and further in view of U.S. patent 5,732,133 to Mark. Claim 13 was rejected under 35 U.S.C. § 103(a) as unpatentable over Mattaway and further in view of U.S. patent 4,585,904 to Mincone et al. (herein "Mincone"). Claims 14-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mattaway and further in view of U.S. patent 5,835,724 to Smith.

Addressing the above-noted rejections, each of the above-noted rejections is traversed by the present response.

It is initially noted that each of the independent claims is amended by the present response to clarify a feature recited therein. Specifically, each of the amended claims now recites:

wherein said information is communicated by a predetermined information processing apparatus that has first and second communication modes, the first communication mode connecting to a server apparatus through the internet and the second communication mode connecting to a telephone apparatus only through a second public telephone network, by-passing the internet, by using a same telephone line.

As is discussed in the present specification, and with reference to Figure 1 in the present specification as one example, a communication can be established between different

PCs 1 and either an IP server 5, SP server 3 to access the Internet 4, or alternatively directly to a telephone apparatus such as the computer 6, the fax-information providing apparatus 7, the telephone set 8, etc. With such an alternate connection essentially the Internet 4 can be by-passed so that communication can be established without passing through certain servers, to avoid communication over any unregulated segment. Such an operation can enhance security.

The clarified claims are believed to clearly distinguish over the applied art.

In each of the outstanding rejections, either Mattaway, RFC 1738, or a combination of Mattaway and RFC 1738 are provided as the primary bases for the outstanding rejections. However, the claims as currently written clearly distinguish over the applied art as neither Mattaway nor RFC 1738, and thereby no combination of Mattaway in view of RFC 1738, disclose or suggest communicating the specifically recited information in either a first communication mode connecting to a server apparatus through the internet or a second communication mode connecting to a telephone apparatus only through a second public telephone network, by-passing the internet, by using a same telephone line.

Further, the outstanding rejection appears to be based on the position that any well known computer and modem device can inherently make a connection to a server or another computer via a telephone line and that therefore the claimed limitations are met. In response to that basis for maintaining the outstanding rejection, Applicants provide the following additional comments.

First, the presently submitted claim amendments are believed to even further distinguish the claims over the applied art. That is, it is respectfully submitted that it is clearly not inherent in any standard computer with a modem device to have a communication mode connecting to a server apparatus through the internet, and to have a second communication mode connecting to a telephone apparatus only through a secured public

telephone network, by-passing the internet, by using a same telephone line. Thus, the presently submitted claim amendments are believed to clearly address the basis for maintaining the rejection noted in the Office Action.

Further, applicants also submit that the basis for the outstanding rejection is improper in that it is essentially based on the position that a well known computer and modem *could* be structured or modified to operate as in the claimed invention. As noted in M.P.E.P.

§ 2143.01, the fact that a prior art reference can be modified to meet a claim limitation does not render such a modification obvious unless the prior art also suggests the desirability of the modification. The outstanding rejection appears based on the position that the applied art *could be modified* to operate as in the claimed invention because a computer with a modem can be connected to a telephone line. However, that analysis does not address the issue as to whether it would have been obvious to one of ordinary skill in the art to actually modify the applied art to operate as in the claimed invention. The mere fact that a system could be modified to operate as in the claimed invention is not the proper inquiry.

In view of these foregoing comments, it is respectfully submitted that each of the currently pending claims distinguishes over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read 'Gregory J. Maier', written over a horizontal line.

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